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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 991 OF 2022**

Shri Ranjeet Shankar Bhoj Petitioner.
V/s
Shri Haribhau Bhivrao Bhoj & Ors. Respondents.
Ms. Rekha Musale i/b Bhagyashri R. Mangale for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 30, 2022

P.C.:-

- 1] Though served, none appears for the Respondents.
- 2] In a suit for partition, separate possession and declaration in relation to Gift Deed dated 14th July, 2021, claim of the Petitioner/Plaintiff for amendment of the Plaint vide Exhibit-21 came to be rejected vide order impugned.
- 3] I have perused the pleadings in the plaint, so also amendment sought vide Exhibit-21. Though Respondents/Defendants are served, none appears.
- 4] I am informed that Written Statement in the matter is tendered by the Respondents/Defendants. However, issues are yet to be framed. As such, trial in the suit is yet to commence.

5] Apart from above, what can be noticed is, if amendment is granted, same is not going to change nature of claim in the suit or Respondents/Defendants will not be put to prejudice as it is always open for Respondents/Defendants to place on record their consequential amendment to the Written Statement.

6] In the aforesaid backdrop and having regard to the fact that trial in the suit is not commenced, prayer for amendment is allowed. The order impugned is quashed and set aside. Application-Exhibit-21 stands allowed. Amendment be carried out within four weeks from today.

7] Writ Petition is accordingly allowed in the aforesaid terms.

(NITIN W. SAMBRE, J.)